

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5475 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

MAHENDRASINH P VAGHELA

Versus

POLICE SUB INSPECTOR RECRUITMENT BOARD

Appearance:

MR PARESH UPADHYAY for Petitioner
MR VB GHARANIA for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 04/08/1999

ORAL JUDGEMENT

Rule. Shri V.B.Gharania waives service of rule on behalf of respondents.

The dispute is whether the petitioner possesses the requisite minimum height as prescribed for the post of Police Sub-Inspector i.e. 165 cms. It is the case of the petitioner that earlier he applied for the said post and in the physical examination he was found to be

possessing the minimum height. In the earlier selection the petitioner could not be selected. In second selection he applied but this time he was found physically unfit lacking requisite minimum height eligibility. He challenges this decision of the respondents in this writ petition.

It is the say of the petitioner that arbitrarily he has been rejected on the ground of lacking minimum prescribed height eligibility. He has a certificate of the Resident Medical Officer, General Hospital, Gandhinagar where his height has been stated to be 166 cms. Looking to the nature of the controversy, I called the petitioner personally in the court and directed the Medical Officer of this Court to measure his height in the presence of the advocates appearing for the parties as well as the officers of the respondents present in the court. He measured the height of the petitioner and he has reported to the court that his height is of 165 cms. The counsel for the respondent are in agreement with the report of the Medical Officer.

In view of this agreement, this report is taken to be correct and it is hereby declared that the petitioner is possessing the requisite minimum height eligibility i.e. height of 165 cms. as laid down for the selection of the post of Police Sub-Inspector.

Rule is made absolute in the aforesaid term. No order as to costs.

(S.K.Keshote, J.)

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